



# CORRESPONDENCE

BETWEEN

BISHOP W. A. CANDLER

AND

JUDGE T. M. NORWOOD.

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1903.

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SAVANNAH, GA.:

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SAVANNAH, GA., July 25, 1903.

BISHOP W. A. CANDLER,

Atlanta, Ga.

Dear Bishop:

Your note to me of July 2nd, covering a copy of your letter to Gov. Terrell, whereby you withdrew your letter to him indorsing me for the judgeship of the City Court of Savannah, was duly received. My reason for not acknowledging receipt of both was because the judgeship was not determined. That question being settled, I will now take up the issue made by you in your letter recalling your recommendation.

Before doing so, I will say, that I was and am grateful for your strong letter of indorsement. I requested you to write it. You wrote it promptly, freely, graciously, cheerfully. It was a very valuable recommendation, and, I have no doubt, it weighed potently in my favor so long as it remained uncancelled in the hands of the Governor. It was based on your personal knowledge of me, of my public career, and was the honest expression of your opinion of me and of my character at that hour. It is impossible for you to write or speak what you do not know, or, at least, believe, to be true.

But, within about two weeks after expressing that opinion to the Governor, your judgment of me changed. In your letter of withdrawal, you state how that change was caused. You say: "but since then" (writing the letter of commendation) "I have spent several days in Savannah, and from information received from several sources which I regard as entirely reliable, I am led to believe that his (my) administration is not satisfactory, particularly his administration of the laws affecting the public morality, and more especially the laws aimed at gaming houses and the like. I beg, therefore, to withdraw my recommendation," etc.

These are not words spoken in haste or in heat. They are in cold blood—penned after near a week for thought—near a week after you received the information that produced the change in your opinion of me. This lapse of time makes your utterance deliberate. I now ask of you as cool deliberation of the effect on me of your action as you gave to the information that changed your opinion.

You are a Bishop—one of the Episcopate, the highest order and authority of the Methodists. Your office stands

for all of justice, honor, virtue, fairness, charitableness and unbiased judgment attainable by men. And it is as a Bishop that I ask you to sit and review your action in this case. You were in Savannah—I was there, also, when you received the information that so strongly affected your judgment as to lead you, without inquiry of me, your friend, to abandon your good opinion of me, and to “believe” that I as Judge “had not administered the laws affecting public morality” as I should.

Did you pause to consider the gravity of this charge? Did you even mentally inquire whether there might not be some mistake? Did you seek to know whether my accusers were impartial, unprejudiced, thoroughly informed, actuated by no base motive, and acting solely for the public good? Did you blindly repose such confidence in my accusers as to accept without hesitation the charges made? Did they give you facts, instances of immoral administration, or did you accept a bill of indictment without counts or specifications?

When, in any corner of this republic, a man is accused of crime, he is entitled to be confronted by the witnesses against him. He can not be tried in any other way. This is just law. But, it is law made by laymen, “men of the world,” unchristian, ungodly men—sinners, often, and open breakers of the laws proclaimed by the sweet, gentle, charitable, just, forgiving Christ.

But how was I tried by you—a Bishop? Man’s law presumes every one to be innocent until proved to be guilty. No witness except my accusers was heard. I was not represented. The law of the unchristian man commands the Judge to appoint counsel to defend the accused. You were the judge in that Star Chamber court. You heard my accusers. You listened to their charges and their evidence, or their surmises, or imaginings, not under oath. You ignored the presumption of my innocence that existed in your mind, and that rested on personal knowledge of me for a generation—all in my favor. You heard one side, you considered, found me guilty and pronounced sentence by your letter withdrawing your strong recommendation to the Governor.

During that Star-Chamber trial, did you once remember, “judge not lest you be judged”? Did you once reflect that it was wholly *ex parte*? Did you once ask—“May there not be a sufficient answer to these charges? May it not be that these accusers are prejudiced; may be misinformed; may have an imaginary grievance, or may be persecutors”? Did it occur to you that to refuse to hear the other side, and then condemn and punish, is the very essence of lynch-law?

Was not I thus tried, and condemned and punished? Did you say to my accusers—(I will not now use a stronger word)—“Go with me to the man you accuse, so I may hear what he can say to meet your charge of immoral administration of the laws. Yours is a very grave charge, and he is entitled to a hearing?”

And of what was I accused? Your letter of withdrawal tells Of “administering unsatisfactorily the laws affecting public morality.” Unsatisfactorily to whom? To the public, or to my accusers? You did not hear from the public. “Several sources” do not constitute the public. So that, the evidence you acted on is that of the “several sources” you heard from, and my condemnation rests on the statements of those few witnesses.

Now, my dear Bishop, your field of duty and of action is theology. You deal with divine law. You are not a judge of civil and criminal law. You have never been a lawyer or a Judge. Yet, you have sat in judgment on me as a secular Judge, and have decided in an *ex parte* trial that I do not administer the laws affecting public morality correctly, conscientiously, justly. You did not say to the Governor, I had erred in judgment—made innocent mistakes, blunders in reaching conclusions. No. You struck me beyond that. Your words “and more especially, the laws aimed at gaming houses and the like” do not mean errors of the head. My accusers did not confine their charges to errors of judgment—mistakes on the law. No sophistry can so limit the meaning and scope of your letter. My accusers were not striking at my head. They aimed lower, and with deadly design. They struck at my character as Judge, and your language shows you so understood them. From what you have said and written of me, I am persuaded, that had the charge been that I was ignorant, and, therefore, unqualified, you would have joined issue with my accusers, and there the matter would have ended. This point is too plain for discussion. Your letter to the Governor implies improper conduct as a Judge. This is an imputation which can not stand by my consent.

I wish you to understand, that the only issue I make with you at present is the wrong done me by that secret, *ex parte*, and, therefore, unjust trial, and by the aspersion on my character as a Judge and as a man. I assume, without any doubt, that you would not hesitate, at any cost or sacrifice, to right any wrong you might do to any one; nor would you refuse to afford to any one who says you have wronged him the fullest opportunity and means within your power to prove to you your error, if he can. Assuming this to be

true, I have written this detailed statement, that you may realize the justice of the request I now make, which is, that you will surrender to me the names of all the persons—"the several sources"—from whom you heard the statements that caused you to withdraw, in such condemnatory language, your recommendation of me to the Governor, and that you give me, also, as nearly as you can recollect, the several charges they, each and all, made against me as a Judge, or as a man and citizen. Whatever may be the consequences to you, or myself, or your informants, I do not entertain a doubt that you will readily grant the above request, and thus remit the responsibility, be it much or little, for these charges to those who made them.

A speedy reply is solicited by

Yours truly,

T. M. NORWOOD.

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ATLANTA, GA., Aug. 3, 1903.

HON. THOMAS M. NORWOOD,

Savannah, Ga.

Dear Judge Norwood:—

Returning from an absence of two weeks in Alabama, I find yours of July 25th.

In reply, let me say first: I think you entirely misconceived the nature of my action. I have not tried you at all, nor could I, for you are not amendable to any tribunal in which I have jurisdiction. If a legal analogy is allowable at all, my action was not that of a judge trying a defendant, but more nearly of that of an advocate retiring from a case when he felt he could not longer represent it; or that of a surety withdrawing from a bond upon which he did not wish longer to stand.

The matters of which I heard in Savannah, and which moved me to write to the Governor my second letter, could not have been communicated to you while I was in Savannah, even if I had thought it necessary to do so. You remember that I did not arrive in Savannah until Thursday night. All day Friday and a part of Saturday, I was engaged in preparing the address which I delivered on Sunday night, and the preparation of which had been made impossible before reaching Savannah by reason of continuous travel and public speaking for days before. After reaching Savannah, in addition to the work of preparing this address, it was my

duty to preside over all the exercises of the Wesley Bi-Centenary Celebration, and as the resident Bishop of Georgia it was my duty to bear some part of the duties of host to the visiting Bishops and other speakers who came from outside the state. You will observe that my time was very fully occupied. Besides all this, some of the things I heard were heard during the last day of my stay in the city, and only a few hours in advance of my departure. When I reached home I went immediately to another engagement away from Atlanta, from which I could not return for several days. Immediately on my return I took up the correspondence accumulated in my absence and when that was discharged I wrote my letter to the Governor and also a letter to you enclosing communication I had sent to the Governor. This, in my judgment, was the perfectly fair thing for me to do.

I see no room for any complaint, such as being "tried in a Star Chamber on *ex parte* evidence." Of course my first letter to the Governor, written at your request, was in some sense *ex parte* and my second letter withdrawing the first was no more *ex parte* than was the first itself.

In my communication to the Governor, I cast no aspersion upon your character as a man or judge. I simply intimated in the mildest possible terms that your administration, I was led to believe, was not satisfactory, particularly of the laws "affecting public morality and more especially the laws aimed at gaming houses and the like." If the facts as I heard them were such as was stated, your administration did not satisfy myself enough to justify my endorsement of you, nor was it satisfactory to the people in Savannah who held views which I hold on all that class of statutes.

I am incapable, I hope, of doing you, or any one else, an injustice, and I have no objection to giving you, as far as I can recall, the names of the parties whom I heard on the subject, and as far as I can remember it, the substance of what they said, but before doing so, I should prefer to have their consent. One of them has stated to me that he was willing for you to know what he said to me and the more so, as he stated in substance the same to you. This name I now give you. It is that of the Honorable Samuel B. Adams, who said to me that the penalties you have fixed for the violation of these laws was not calculated to suppress the evils at which they are aimed. He said furthermore, he requested you to cease the methods of punishment employed and that you said if you did that, all the cases would be transferred to the Superior Court and that the officers of your court who received fees from these cases would lose

them. These statements indicate the general tenor of his remarks and I doubt not he will give you full information on the subject. Other parties in my presence casually remarked upon the methods of your administration to the same effect; but at this distance of time and having met so many different people in Savannah, I would not be safe in saying who they were or precisely their language. On the last day of my stay in Savannah I met at the home of a friend, another attorney of the Savannah bar and asked him directly about your administration. I did this that I might be sure that there was no mistake. I felt I could not afford to indorse your application for reappointment if anything like what I heard was true. This gentleman confirmed what Judge Adams had said. I will write him and if he consents I will give you his name.

As I have said, I would not do you or any one else an injustice, nor would I assume upon the request of a friend to make a suggestion to the Governor of Georgia about an appointment and then subsequently withhold information from the Governor which should come to me and make me unwilling to stand by the original suggestion. This would be uncandid treatment of the Governor and an injurious dealing with the public interests which my sense of duty does not permit.

Hoping this communication may be satisfactory to you, I am

Yours truly,

W. A. CANDLER.

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August 6, 1903.

HON. THOMAS M. NORWOOD,

Savannah, Ga.

Dear Sir:—

Since writing you, I have received a letter from the other gentleman to whom I referred, W. B. Stubbs, Esq., saying "you have my permission to give Judge Norwood my name, and I will be very glad to take the matter up with him in person."

Judge Adams and Mr. Stubbs are both in Savannah, and I dare say will give you full and frank statements of what they said to me and which so amply justify the withdrawing of my endorsement of you. I am,

Yours truly,

W. A. CANDLER.

Aug. 17, 1903.

Dear Sir:—

Replying to your letter of the 15th inst., just received, beg to refer you to my former letter to you as to the sources of information upon which my letter to the Governor was based. Further questions upon your part, in view of what I have written you, seem to be impertinent and entirely out of order. I respectfully decline to be interrogated further, and if you desire to pursue the matter you will have to resort to some other method. I am,

Yours respectfully,

W. A. CANDLER.

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SAVANNAH, GA., October 20th, 1903.

BISHOP W. A. CANDLER,

Atlanta, Ga.

Dear Sir:—

Your two letters were duly received, but I have not had time to reply. In fact, your last brief note was such a surprise that I have halted long between two opinions. I have decided, however, to carry out my original purpose, which was and is to perform a duty to you and to myself.

My first letter was intended to lay before you my view of the injustice done to me, as inducement for you to give me the names of the persons who did it, and who persuaded you to write that letter to the Governor which attacked my character as a judge. I had no intention to draw you into a controversy. I desired the names of your informants, that I might give you the other side of the case. I had no doubt that Judge S. B. Adams was the chief accuser, but I would not assume it as a fact. I desired confirmation of my belief from you. When I read that you were to be the guest of Mr. Adams, I said to several that he would do his utmost to make you change front on the judgeship. I will now tell you why I did so, and why he did so. You evidently have great faith in his Christian virtues,—far greater than some have who know him much more intimately than you do. I shall confine my remarks, however, to my own experience, and leave you to form your opinion of his character as a man and a Christian. "And, where th' offense is, let the great axe fall."

In August, 1884, a democratic convention sat in Savannah to nominate a candidate for Congress. There were four

candidates, his brother, Pratt, being one. The Chatham delegates were strong supporters of Pratt Adams. Brantley A. Denmark was chairman of that delegation. He was Sam Adams' law partner. No man ever lived who was truer to his friends, and to any cause he represented. Nor have I ever known a man of sounder judgment of men and business affairs.

The convention sat and balloted four days without a result. On the afternoon of the fourth day, my name was proposed by a delegate from Ware County. There was a call for a vote. Mr Denmark said the Chatham delegates were not prepared to vote, and asked permission of the convention for them to retire to consult. After consultation, during which all of them agreed that there was no possibility of nominating Pratt Adams, they returned to the convention, and Mr. Denmark announced that the Chatham delegates would unanimously vote for me. I received every vote in the convention on the first ballot.

Before the Committee appointed to notify me of my nomination and to request my acceptance could arrive at my office, Sam Adams came in, informed me of my nomination, and, in the next breath, asked me to decline it. The nomination was a surprise, (as you will see directly), but that request was amazing. He said if I would decline, his brother would be nominated in fifteen minutes. I asked what reason he had for saying that, but he gave none. I then reasoned with him. I said, "Your brother has been before the convention four days. His friends have become hopeless of his nomination. They certainly understand the situation better than you do. You know that Mr. Denmark would not have deserted Pratt's cause if he saw any hope of winning. And, when the convention was about to adjourn, without making a nomination and my name was suggested, and I received every vote (40) on the first and only ballot, you ask me to throw the nomination back in the face of the convention, thereby telling them, they do not understand their business; that their duty is to nominate your brother,—Can I, ought I, to do that?" I told him I did not think it would be right. This is the substance of our interview.

From that day to this, now over 19 years, he has been my persistent, bitter, implacable, defaming enemy.

I returned from Arizona and found the convention in session. I had no thought of being a candidate. I did not go near the convention. I saw but one member of it during its session. Our meeting was casual, and I did not intimate even that I desired the nomination.

You naturally ask, is this the only cause for his hostility. I say yes. There was no other reason,—if that without reason can be a reason. I was under no obligation to his brother or to him,—not the slightest. I had never done either a wrong by deed, word or thought. On the contrary, when I went to the United States Senate in 1871, I permitted Pratt Adams to occupy my law office to reap any benefit that he could from clients of mine and the use of my library.

Judge S. B. Adams impressed you that his hostility was based on my administration of the laws. That is not true. His animosity antedates my judgeship by 12 years. Many members of the Savannah Bar had often said to me, "Sam Adams is your bitter enemy." But I will give you the best proof of that fact that human testimony can supply. It is the statement of a gentleman—a mutual friend of Mr. Adams and myself—whose word no man who knew him would doubt.

In 1900, when I was applicant for re-appointment by Gov. Candler, this gentleman was as warm a supporter of me as Mr. Adams was an opposer,—if that be possible. In my office, during a talk with this friend on the judgeship, I said to him, "I can not understand the hostility to me of Sam Adams. I meet it at every turn, and hear of it everywhere." He, with a look of surprise, said, "I understand it, and I thought you did. It is because you refused to decline the nomination for Congress in 1884 to give Pratt another chance before the convention. He has opposed you ever since." When I expressed surprise and disgust at such puerility, his reply was, "he can't help it; he was made that way."

Nothing has ever occurred between Judge Adams and myself to intensify his hostility, except two incidents, which I will state and let you be the judge between us. Soon after I became Judge, he was counsel in a case before me. When I was giving my view of the law, he put on a broad grin of derision which his inordinate egotism often supplies. I paused, and, looking at him, told him that he "might convince me by argument, but he could never reach the judgment of the court by his smiles." That merited rebuke, no doubt, wounded his *amor propre*, and I have reaped the fruit of his intensified hatred.

On another occasion, because the hour of recess in the court did not suit his ease and convenience, he made a very offensive remark to me in open court. I replied that I and not he was directing the business of the court. He, at once, saw his error and apologized. I accepted the amende as promptly, and I supposed the matter was ended then and there. But I did not know then what I was told by the

mutual friend spoken of above and other members of the Bar.

With his peculiar Christian spirit, he has pursued me for 19 years. In 1896, when Gov. Atkinson sent my name to the Senate, he (Adams) was opposed to my confirmation. You will note, that he had no ground of complaint such as he distilled into your ears, for I had not before 1896 been a Judge. In 1900, it was with him a labor of love to take to the streets to find a lawyer who would consent to be a candidate against me. And this year, he was tireless of foot and tongue. He went from office to office to prevent lawyers from indorsing me, and to persuade others who had indorsed me to withdraw,—decrying me to each and all.

At Macon, when he attended the meeting of Wesleyan trustees, last spring, he assailed me to two of my warmest friends. In fact, "Custom hath made it in him a property of easiness."

When, last year, I sentenced a thief to pay \$25, or serve for nine months, for stealing a banana, Mr. Adams went to the court when in session and made invidious comments on the cruelty of the sentence. He spoke of aiding to pay the fine. He told the Sheriff that confinement in jail for a day, or week at most, was sufficient punishment for the theft. This was done and said before he knew the facts of the case—which were, that the negro was a vagrant, had drifted from Macon to Savannah, was about 25 years old, had tried to take a bunch of bananas; had denied the theft to me, after two witnesses had testified that they chased him around three blocks, and found the banana in his pocket. To show the difference between Mr. Adams' judgment and my own of men and justice, I will add, that the thief, after serving his time, was up before me for stealing, a week after his discharge from the chain-gang. This is a fair sample of my cruelty in sentencing criminals.

One day or week is full punishment for a vagrant—thief who hangs around a shop for days to steal—grabs for a bunch of bananas, but gets one only. And this the opinion of a Supreme Court Judge. One day for "a finger" or one banana; five days for "a hand" or five bananas; and for a whole bunch, as many days as it has "fingers" or single bananas. What a Daniel to be on the Bench as the protector of the public against vagrants and incorrigible thieves! Punishment is to be measured by the value of the thing stolen—as the servant girl begged her mistress to grade her offense of fornication by the size of her bastard baby—as "sure it was a *very little* one." Please pause for a moment and divest yourself of all prior conceptions of Mr. Adams and consider his judgment of men and human affairs,

in the light of this his view of how the laws should be administered to do justice between the suffering public and criminals who persistently prey on the public; and especially in the light of his malignant pursuit of me for 19 years, only because I did not accede to his request to do an act that no man should have done, and that no man of common sense would have requested or expected to be done.

Then, as his Bishop, or Overseer, pass judgment on the religion of a man who, without cause or reason, pursues another for 12 years (from 1884 to 1896, when I became Judge), and for 7 years since, has made my administration of the laws the pretext for his malignity. His religion is not Christ's. It is not what you teach. It is classified by the worldly who know the facts as Pecksniffian hypocrisy.

If you had known these facts when he appealed to you to withdraw your letter, I believe you would have read him a lecture on Christianity. You would have said:

“If any man seem to be religious, and bridleth not his tongue, but deceiveth his own heart, this man's religion is vain.”

“Though I speak with the tongue of men and of angels, and have not charity, I am become as sounding brass, or a tinkling cymbal.”

“He that ruleth his own spirit is better than he that taketh a city.”

“Seest thou a man wise in his own conceit; there is more hope of a fool than of him.”

Mr. Adams has “deceived his own heart,” and has mistaken personal hatred for duty to the public and criminals. He has for his brother, Pratt, the hero-worship described by Carlisle, and he is not big enough to understand why I should not and did not step aside and give way to his brother. This is pitiable, and “pity 'tis, 'tis true.”

Now a few words on his charge as stated by you, to-wit: “that the penalties I had fixed for the violation of these laws” (against gambling, I suppose), “were not calculated to suppress the evils at which they are aimed,” and that he requested me to cease the methods of punishment employed, and that I said, if I did that, all the cases would be transferred to the Superior Court, and that the officers of my court who receive fees from these cases would lose them.”

To speak mildly, his statement to you is not what I said. I have never assigned that or any other reason for my conduct in passing sentence. I have no “fixed penalties” for violation of the laws, or any special law. I judge every case by all its facts, and the character of the offender. Besides, knowing so well, on the authority of probably half the Sa-

vannah Bar, including the mutual friend, his enmity to me, Mr. Adams is the last man whom I would choose as Father Confessor, even if I were disposed to account to any one for my method of administering the laws. He did venture on the subject one day as we were walking home, and I listened to his exposition of his views, and when he had said his say, I remarked that I had been told by the officers of my court that it was the settled purpose of the Judge of the Superior Court to inflict the alternative penalty (fine, or chain-gang) on gamblers, and that they, the *officers*, said if I should do what I had announced from the Bench, that is, not to impose a fine, all such cases might go to the Superior Court, and they would get nothing on account of "insolvent costs." To which I replied, that I had only declared that in cases against the *proprietors* of Policy shops, I would, *for their second offense*, if brought before me, omit a fine and impose the penalty of the chain-gang, and that I intended to carry out that plan. Further than that I have not gone by word or act.

Preliminary to what I shall now say, I will state, that neither you have, nor Mr. Adams has, more abhorrence for gambling than I have. I have never lost nor won a dollar at cards in my life. I know of no greater folly than betting. But, I differ with many who have sympathy for thieves and none whatever for gamblers. Judged by his speech and conduct, Mr. Adams is one of those many. He does not object to alternative punishment of thieves, but he protests bitterly against any punishment for gamblers except the chain-gang. He denounced the penalty of \$25.00, or 9 months, for stealing a banana as cruelty, and denounces the same Judge for letting negro gamblers off with \$50.00, or 12 months, and white gamblers with \$1,000.00, or 12 months on the chain-gang, which is the limit of the law.

Does this require any comment? Is there reason, or humanity, or justice in such a man? Must I establish a Procrustean bed for all gamblers, and have a sliding scale for thieves,—one day for one banana,—five, for five bananas, and so on? The chain-gang only for gamblers, but turn thieves loose, if they can pay the fine? Is gambling a greater sin or crime than stealing? The negro who stole the banana sneaked round the shop for a week, watching for a chance, and when the owner's back was turned, stole and ran and lied, saying he bought five bananas, and when he felt in his pocket for five cents and did not have it, the merchant tried to beat him and, to do so, chased him around three blocks.

The negro who sells Policy tickets meets the purchaser on even terms. The purchaser knows what he is doing. He can refuse to buy. He is not robbed. He is tempted. He can resist. If he yields, in one sense, he is as guilty as the gambler, for, if no tickets be sold, no gambling occurs. But how is it with the thief who will not work; who intends to live on the public; who goes to steal prepared to kill if caught, or resisted? Stealing is *malum in se*,—gambling is *malum prohibitum*. God forbids one—“thou shalt not steal,”—man forbids the other.

The man who spreads the green baize as a lure, compels no one to buy his chips and bet. The buyer knows what he is doing. He is the fool. He assents to the game. When the laborer, the good citizen, the provident father and husband sleeps, and the night prowler enters and steals the support of his family, no cry is heard from the pulpit or laymen against thieves! But, for the green baize man, the demand is—“crucify him—give him no quarter—no *locus penitentiae*.”

Give the white gambler, for his first offense, the chain and ball,—lock him up with negro thieves and burglars in an atmosphere laden with funk and syphilitic stench, but be lenient to and sympathetic with thieves, measuring the penalty by value in cents of the thing stolen.

This is Mr. Adams' opinion of right, justice, humanity, and of the duty of a Judge.

I have said that Mr. Adams considered his brother a model Judge. I do not know a lawyer who differs with him. Mr. Adams, of all men, should approve his brother's “administration of the laws affecting public morality, and more especially the laws aimed at gaming houses and the like.” I have said that Mr. Adams' constant cry against my dealings with gambling is a cloak for his enmity. Let us see how far facts sustain my charge. It would seem to be a fair deduction that he could have no ground to criticise my administration of the laws “affecting gaming houses” if I do as well as his brother. But, if I do more to suppress “gaming houses” than his brother did, would you not suspect that this wail over my administration is a counterfeit presentment? I will now apply the comparison.

Abstract from sentences by Judge Adams on gamblers during his judgeship.

Jan'y 4, 1883, 1st offense, \$150, or 6 months in jail

Jan'y 4, 1883, 1st offense, \$300 or 9 months in jail

Mch. 4, 1883, many keno players, \$20 each or 1 month in jail.

Apl. 23, 1883, gambler, 2nd offense, \$300, or 6 months in jail.

July 7, 1883, gambler, 2nd offense, \$100, or 2 months in jail.  
 Feb. 19, 1885, gambler, 3rd offense, \$400, or 5 months in jail.  
 Apl. 24, 1885, gambler, La. lottery, \$100 or 3 months in jail.  
 Feb. 12, 1887, gambler, 4th offense, \$600 or 12 months in jail.  
 July 16, 1887, gambler, \$500 or 12 months in jail.  
 July 16, 1887, gambler, \$250 or 6 months in jail.

There was not one sentence to the chain-gang!

The same records show, that Judge Pratt Adams did not, in any case, give a gambler the chain-gang sentence only. He was a humane man, a just man, and a merciful Judge—more so, the gamblers think, than I am—because, in many cases, I have sentenced gamblers to pay \$1,000, or serve on the chain-gang for a term of 6, 9 or 12 months.

If Judge Pratt Adams' dealings with gamblers be satisfactory to Judge S. B. Adams, pray, why are my dealings with gamblers, in his eyes, such an abomination? Is a sentence of \$1,000, or 12 months on the chain-gang, less "satisfactory" to Mr. Adams than \$600, or 12 months in jail? Or, is gambling a worse crime under my administration than under that of Judge Adams? Either that, as I punish for it more heavily, or I am not so merciful as Judge Adams. If my sentences are not satisfactory, what has Mr. Adams to say of those given by his brother?

My reasoning may be that of Hobbes and not that of Whateley, and you, or Mr. Adams, may be able to see its fallacy. If not, possibly you may now be able, with a change in the order of *time*, to say with St. Paul to the Corinthians,—*then I beheld* my brother "through a glass, darkly; but *now*, face to face." Unless Mr. Adams shall denounce his brother's acts as Judge, can you doubt that his hostility to me is not due to my "administration of the laws aimed at gaming houses?" If not, by what process of logic can you escape that conclusion?

While, unlike Mr. Adams, I never assume to be *censor morum, censor hominorum*, especially of Judges, still, just here, let me make a suggestion. The Church has great power. It can work wonders. But, it can never destroy an evergreen by pruning its smallest branches. The crusade against gambling is right,—holier than any begun to rescue the Holy Sepulchre. But the war on petty gamblers is not the way to conquer gambling. That is piddling. That is trying to bail out the ocean with a thimble. I will say no more on this subject, however, as I may publish my views on it through the Press.

Mr. Adams' tongue is his unruly member. He is given to cynical criticism. He is wiser than Cato who said, "I

think the first virtue is to restrain the tongue." I could cite many instances, but his backbiting of me for near two decades is proof sufficient.

Mr. Adams may know the text of the book of Esther, but, if so, its teaching is lost on him. Haman was an intermeddler. He must dabble in other people's affairs. He was by nature a persecutor. Mordecai was the prey his venom fed on. With all the royal favors heaped upon him, he cried out: "Yet all this availeth me nothing so long as I see Mordecai, the Jew, sitting at the King's gate." And so he caused a gallows to be made whereon to hang Mordecai, and "so they hanged Haman on the gallows that he had prepared for Mordecai." "So much for Buckingman."

Now, as to Mr. W. B. Stubbs of Savannah whom you named as the other accuser. "Tray and Blanche"—where is "Sweetheart?" I did not suspect this of my friend, Stubbs. He is so genial, so smiling, so temperate, so mild-mannered, I could not think it of him. We all like Stubbs. He is the patriarch,—almost the Jacob,—of the Savannah Bar. We look up to him as *paterfamilias*. By patriarch I do not mean ancient of days—one of the "venerable men who have come down to us from a former generation"; nor that archaeological specimen, "Bill Stumps—His mark" discovered by the adorable and enterprising Pickwick Club. No, he is our "Mercury new-lighted on the heaven kissing hill" called Savannah by mistake—youthful, fleet-footed, not meddlesome when unhypnotized and acting of his own free will.

The most derogatory criticism I have ever heard of our beloved brother is that he stands in the shadow of Mr. Adams and cries—"Me, too." He is too earnest and too candid a man for *stat nominis umbra* of Mr. Adams. However, if that be true, then with profoundest commiseration, and prayers for his speedy escape from that baleful eclipse, let us remember what Cowper says of the glowworm—

"Of this we're sure, the hand of Might  
That kindles up the skies,  
Gives it a modicum of light  
Proportioned to its size."

A few words in conclusion on your first and last letters. In the first you say: "If a legal analogy be allowable at all, my action," (i. e., withdrawing your letter of recommendation to the Governor), "was not that of a judge trying a defendant, but more nearly that of an advocate retiring from a case when he felt he could not longer represent it, or

that of a surety withdrawing from a bond upon which he did not wish longer to stand."

Those analogies do not bear the impress of your brain. They sound very much like propositions of law I have heard Mr. Adams address to the court, which aroused the wonder of the court and counsel, "can he believe them to be correct." They recall his elaborate argument to prove that John Wesley was a Methodist, and which demonstrated that he lived and died an Episcopalian.

Would it be fair or just to a friend for whom you had stood surety to withdraw, on some report seriously affecting his character, without letting him know, and hearing what he might say to explain or disprove the report? Your informant might be his enemy, his persecutor,—as in my case. No, Bishop, you would not do that uncharitable, unjust, unrighteous thing.

But, a lawyer withdrawing from a client's case is far worse. To withdraw without saying a word to his client of his intention is an instance unheard of, and not permissible by the ethics of the Bar. Such a lawyer should be disbarred. But the analogy is defective. To silently withdraw would be very reprehensible, but to withdraw by letter containing an aspersion on the character of the client and publishing the letter to the world, only because the lawyer had heard an *ex parte* statement that the client was guilty, and without asking the client what explanation he had to make, would be somewhat analogous. Yet, the lawyer who would do that thing would be a monster, and would be denounced by the Bar and the Bench and disbarred forever.

You did not simply withdraw your letter. You say in your first letter (Aug. 3rd), "I cast no aspersion upon your character as a man or a Judge." Let me quote your words: "his administration of the laws is not satisfactory, particularly of the laws affecting *public morality*, and more especially the laws aimed at gaming houses and the like." Here are two distinct grounds—*public morality* generally, and *gaming houses* especially; one *omnium gatherum*," and one specific count. Consider, for a moment, what conclusions can be drawn from a charge against a Judge that he does not regard, or uphold, public morality on the Bench. That is as broad as "the casing air." It is susceptible of any construction except a favorable one, and is all the worse because it is not specific. Besides, it was not given to the air, but, like Caesar's death, it is "recorded in the Capitol" where it can be read by all men.

I wish you to understand that the foregoing reply to your analogies is not in a spirit of acrimony, but to show you that, unintentionally, you did me a grievous wrong,—such as no one, to my knowledge, except your informant, has ever done me. It was done without due caution and investigation.

As to your last brief note I have only to say, it not only surprised but astounded me,—so much so that I pondered over it for many weeks before deciding what to say in reply. You had given me the names of two of my accusers, and said, “Other parties in my presence casually remarked upon the methods of your administration to the same effect, but at this distance of time I would not be safe in saying who they were.”

My note of inquiry, about four lines, was to ascertain whether the person therein named was one of the “other parties” you could not, when writing (Aug. 3rd), remember. I told you I asked because I had reason to believe he was; and my purpose was, if he were one, to lay before you information which you as Bishop ought to know. If he was one of my accusers, it was but justice that you should tell me. If he was not, I supposed you would cheerfully say so. But, that simple inquiry, on the contrary, angered you and you wrote me as follows:—and with laying your reply before you without comment—this unfortunate incident growing out of your too implicit reliance on Mr. Adams’ fairness, justice and high devotion to the public welfare—is, as between you and me, at an end.

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Aug. 17th, 1903.

Dear Sir:—

Replying to your letter of 15th inst. just received, I beg to refer you to my former letter to you as to the source of information upon which my letter to the Governor was based. Further questions upon your part, in view of what I have written you, seem to be *impertinent* and *entirely out of order*. I respectfully *decline* to be *interrogated further*, and if you desire to pursue the matter, you will have to resort to some other method.

I am,

Yours respectfully,

W. A. CANDLER.

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“A soft answer turneth away wrath, but grievous words stir up anger.” That short letter bristles with “grievous words,” and they proved the truth of the proverb. But, I could not forget that you had written for me a very strong

letter to the Governor, and that you wear a clerical robe for which I have the profoundest respect,—a respect engendered by the teachings and example of my preceptor and friend, the most just, the most humble, the gentlest, the most charitable, the most brilliant man I have ever known,—Bishop George F. Pierce.

I am,

Yours respectfully,

T. M. NORWOOD.

P. S.—You will violate no confidence by showing this to Mr. Adams, or by giving it such publicity as you wish. I was often told, during many years, of Mr. Adams' tongue-lashing of me. I remained silent until he so far transcended the limit of traduction to such a degree as to cause you to change your good opinion of me entertained ever since you were a student at our common Alma Mater,—and still further to induce you to withdraw that good opinion expressed to Gov. Terrell by letter, and to substitute for it one containing the language herein above quoted. That language is, I presume, no stronger than, if as defamatory as, what Mr. Adams used. On receiving a copy of your second letter to the Governor, I decided to remain silent no longer. Hence, my first and second letters of inquiry for names of your informants, and this letter to you. I intend to countervail this attack repeated sitting, walking, standing, traveling, at home and abroad, as far as may be, by giving this antidote circulation as wide, if possible, as the poison has been administered.

